Scott. II-27--45,008--18-12-30.

Law (19) Department.

SERIES.

G.O. No.

DATED

[Despatch Abstract.]

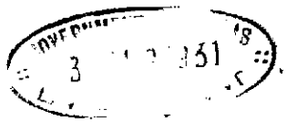
Motor Vehicles - Driving licence - Manual D'Souza - South Kanara District - permanently disqualified for obtaining licence.

--

C.F. 30.

LAW (GENERAL) **DEPARTMENT.**

Received ..... 19 *Registered* 19



Subject.

1-9364/31
3/8/31

Motor Vehicles - Driving licence - Manuel D'Souza - cancellation and permanent disqualification - Recommended.

ENCLOSURES.
No. .....
.....
Spare copies .....

No. Ref.C.1-6519-31.

Station Mangalore, *Dated the* 31st July 1931. 19

From (Name) Khan Bahadur J. Hussain, Bar-at-Law,
(Designation) Dt.Magistrate of South Kanara.

To The Secretary to the Government of Madras,
Law (General) Department,
Madras.

Sir,

I request that the Government may be pleased to cancel the driving licence granted under Section 6 of the Indian Motor Vehicles Act, 1914, to the person named below and to declare him permanently disqualified from obtaining a licence under the said Act to drive a Motor Vehicle.

2. This driver was found drunk and driving the bus in a rash and negligent manner four times. On the 1st occasion he dashed the bus against a woman and caused some injuries for which he was convicted and

V

sentenced by the 1st Class Bench of Magistrates to a fine of Rs.50/-. On the 2nd occasion he was charged for a similar offence and convicted and sentenced by the Sub Divisional Magistrate, Mangalore to a fine of Rs.60/- in addition to suspending his licence for six months. He did not profit by these two previous convictions. He was again found drunk and driving his taxi rashly and negligently which resulted in the collision of his taxi with another taxi twice causing damage. For this he was charged before 1st Class Bench of Magistrates, Mangalore and convicted and sentenced to a fine of Rs.50/-. There is thus hardly any doubt that the driver is quite unfit to hold a driving licence.

1.	Driver's name.	Manuel D'Souza.
2.	His father's name.	Lawrence D'Souza.
3.	Distinguishing marks of identification.	35 years old, 5'7" Height, dark brown moustaches curled up at the ends. Small beady eyes, dresses in Hindu fashion.
4.	Caste.	Roman Catholic Christian.
5.	Permanent residence.	Village Kadri in Mangalore.

1.8.51

For Dt. Magistrate.

1/8/51

M.D'S.1/8.

3

Land (Jud) Dept

Memo No 3647 A-1 dated 6-8-31

Motor vehicles driving licence
Muhammad D'Souza – South Kanara
District – Cancellation of permanent
disqualification
From the Dist. South Kanara Rep
No. C-1-6619-31 dt 31.7.31.

–

The Dist. South Kanara
is requested to forward
in the case in which the
driving was convicted

Dpd. by

To the Dist. South Kanara. KCI 4-8-31

AS 5/8

4/8

LAW (GENERAL) **DEPARTMENT.**

Ld. 4115A/31 11-9-31

Received ..... 19 *Registered* 19

GOVERNMENT OF ... 11 SEP 1931 LAW DEPARTMENT

Subject.

Motor Vehicles - Driving licence - Manuel D'Souza - cancellation and permanent disqualification.

Government Memorandum No.3647 Al, dated 6-8-1931.

ENCLOSURES.
No. .....
.....
Spare copies .....

No. Ref.C.1-6519-31.

Station Mangalore, *Dated the* 9th September 1931.~~19~~

From (Name) Khan Bahadur J. Hussain, Bar-at-Law,
(Designation) Dt.Magistrate of South Kanara.

To The Secretary to the Government of Madras,
Law (General) Department,
M a d r a s.

Sir,

I enclose herewith copies of the judgments in question.

A Krishnaswami 9/9/31
For Dt.Magistrate.

9.9.31

M.D'S.99.

Cr. I. Mis. 35 15,164 26-7-29.

Register of summary trials held before the Tellicherry

(Section 263, Code of

Serial number.	Date of the commission of the offence.	Date of the report or complaint.	Name of the complainant.	Name, parentage and residence of the accused person.	Offence. Complained of.	Offence. Proved, if any.
5006	23 6/30	11 8/30	King Emperor Town. P. C. 234/30	M. D'Souza s/o 43 years, Louis D'Souza, Mangalore.	See 16 of M. V. Act & Rule 27 (c) Driving a car recklessly on the Kasaba road.	Failure to give signals. Fine Rs. 10 & the Police also fine.

Magistrate of Mangalore

30 Criminal Procedure)

Value of property in respect of which offence committed	Prisoner's plea.	Finding [illegible]	Sentence [illegible]	[illegible]

Defence. H.K. Mahadeva Bhat D.W. says that as he was going to Kampinamalla accused guilty. Bus came at a terrible speed driven in a most negligent manner & driven on the wrong side of the road & there was a woman with a boy in front. He shouted to him to get out of the way so there was the Bus coming driven carelessly & the Bus struck her on the left knee & the wheel of the Bus passed over the head of the railing which was a foot high. He saw the leg of the Bus driven by the accd & found it was K.K. Lucy Rodrigues D.W.2. The woman who was injured & Dr. Bhat the clerk of the D.S.O who was there immediately & saw the Bus was driven by the accused & obtained the leg as K.K. 3234. Corroborates the D.W. on all material points. The accused examined on S.C. He is convicted & fined Rs 25/- for an offence under rule 27(3) of the motor Vehicles & Rs 25/- for an offence under Sec 3 of the Motor Vehicles Act & in default to undergo 2 weeks S.I. on each charge. Out of the fine realized Rs 50 the amount shall be paid to D.W.2 Lucy Rodrigues as [illegible]

Gr. J. Mis. 65. 13,164. 26-7-29. Register of summary trials held before the

(*Section* 263, *Code of*

Serial number.	Date of the commission of the offence.	Date of the report or complaint.	Name of the complainant.	Name, parentage and residence of the accused person.	Offence. Complained of.	Offence. Proved, if any.
				(Sd) T. T. Ramadoss (or) A. Rama Rao (or) A.		

Magistrate of

Criminal Procedure;

Value of property in respect of which offence committed.	Prisoner's plea.	[illegible] of a commencement of the [illegible]	Sent

[illegible]

Cr. J. Mis.–122 61,650—2-3-31

CALENDAR AND JUDGMENT.

(For use in cases where there is only one accused person.)

District of South Kanara,

Calendar of cases tried by the Spl: II Class Magistrate of Mangalore.

Offence.	Date of Report or complaint.	Apprehension of accused.	Release on bail	Commencement of trial.	Close of trial.	Sentence or order.	Explanation and Remarks
5.7.30 Mangalore Town.	Charge sheet received on 15.7.30	28 7/30.	28 7/30.	28 7/30	14 8/30	15—8—30	Fine not paid Time is granted till 26.9.30.

Judgment in Calendar Case No. 827 of 1930 on the file of the Spl: II Class Magistrate of Mangalore.

COMPLAINANT. Police Inspector (M.M. Case No 811/30)

Name of accused.	Age.	Father's name.
[illegible] D'Souza Mfg by obeying [illegible] Cr no 630. M.O.L./30.	37	Louis D'Souza,

Caste or Religion.	Calling.	Residence.	Taluk.
R.C. Xian	Proprietor of Tj Indian Motor Service (Attended by Vakil Mr. C. D'Souza for accused)	Maracaira Hill in Mangalore	

Offence Driving a Motor Vehicle when intoxicated — 2 each of Sec 26 A of the Madras Motor Vehicles Rules 1928, — punishable under Sec 16 of Act VIII of 1914.

Finding Guilty.

Sentence: Accused is sentenced to pay a fine of Rs 60/- (Rupees sixty only) and in default to undergo simple imprisonment for two months, and his driving license suspended for six months.

Dictated to Magistrate

Sd/ K. Krishnayya.
Spl: II Class Magte

Date of Receipt.

From

The Magistrate

Remarks of the District Magistrate.

To

The District Magistrate

Through

The Sub-Divisional Magistrate

Criminal Case No. of 19

Date of Judgment

Month of Calendar } 19

Court

Remarks of the Sub-Divisional Magistrate

Date of Despatch
Receipt } 93

Reply of the Magistrate

Date of Despatch
Receipt } 93

Judgment.

The accused, one Mannal D
stands charged by the Mangalore
Police with breach of Rule 24 A of the
Madras Motor Vehicles Rules, 1923, fram
under Section 16 of the Indian Motor Ve
Act, 1914 in that he on 5.7.1930 at abo
8 P.M was found driving his bus
534 in the Ganapathy Temple Street
when he was intoxicated. He denies
offence.

2. The facts of the case are the
On 5.7.30, at about 7.45 or 7.50 P.M,
(Mr. K Sanjeeva Rao), the Prosecuting Insp
of Police, South Kanara was returning
from the Cosmopolitan Club and when
just entered the Ganapathy Temple Stre
in which his house is situated, from
Ganapathy High School road, i
a distance some motor vehicle coming
towards him. While the said vehicle
near the Umamaheshwar temple,
noticed the lights switched on and th
vehicle coming towards him at
break-neck speed without keeping
any side of the road, that is to
swerving from one side to the oth
When P.W1 reached the Kanara Arts
Bureau, the vehicle came so clo

to him that he had to jump [illegible]
side lane on his right side. [illegible]
then that P.W1 was [illegible] the
vehicle was a motor bus. [illegible],
P.W1 called out and [illegible]
to stop the bus but [illegible]
on the bus without [illegible]
and went straight [illegible]
-pathy Temple wh[illegible] was
stranded at the turning [illegible]
-raya Achari's house. [illegible]
were found running behind the bus,
asking the driver to stop and P.W1 also
ran after the bus and when he reached
the turning above mentioned, he found
the bus to be S.K 534 standing on the
road with the left front wheel stuck
up in the side drain and the left mud-
-guard of the said wheel touching the
wall of the compound at the
turning. P.W1 then found the
accused to be the driver of the said
bus and asked him why he brought
the bus at that time in that prohibi-
-ted road. Then he found the accused
drunk and giving replies incoherently
and so he arranged to send one of
the persons present at the spot on
a cycle to the Police station and fetch
a constable. Soon, he asked the

accused to alight from the bus and the latter after much hesitation, crept and laughing, got down the bus when he (The accused) was found smelling of liquor, staggering and intoxicated. Soon after P.W3 (Gopal Nair) and another Constable came to the locality, arrested the accused and took him to the Police Station P.W1 then arranged to get another constable and a driver and had the bus sent to the accused's garage. The above facts are spoken to by P.W1 and P.W2 (Mr. A. Sunder Rao), a practising Vakil at Mangalore corroborates him in material particulars. P.W3, a Constable attached to the Mangalore Town Station speaks to the fact that when he reached the place of occurrence accompanied by another constable, he found the left front wheel of the bus in question in the side drain and the accused having been detained by P.W1, that the accused was found drunk and not able to walk properly and was laughing and talking at random and that he arrested the accused and produced him at the station with the report Ex: A. He says further that the accused was found smelling of arrac

3. In all, three witnesses were examined on behalf of the defence (DW1 and 3 speak to the fact that they proceeded together from the junction of the roads opposite the Shri Venkatramana temple as far as the Ganapathy temple when turning, and that they saw the accused's bus standing at the curve near the Ganapathy temple. Proceeding, they say that the accused did not appear to them drunk and smelling at the time. DW1 states further that the accused told him that he stopped the bus as directed by the Prosecuting inspector and that he did not know why he was asked to stop the bus. He adds that he first saw the accused driving his bus in the turning near the Shri-Venkataramana temple at a speed of about 3 or 4 miles per hour. DW2 (C. Lokaya Suvarna) who is an instructor for motor class in the Government Trade School at Mangalore says that according to his experience, a bus cannot be driven at any speed at a turning, that the speed at which a bus is driven depends upon the driver and that if a bus is to curve, it must go at a speed of 3 miles per hour. Proceeding, he says that if a bus goes at a higher speed than three miles, it may meet with

with an accident and that some times it may escape an accident. He states further that on a straight road a bus can go at a speed of 30 to 40 miles without any accident.

4. In view of the fact that the bus in question was found stranded at the curve near the Ganapathy temple and that it was found running at a furious speed along the Ganapathy temple road before it stopped at the said curve, I am unable to find how the evidence of Dw2 helps the defence. The very fact that the bus was found stranded at the curve with one of the wheels stuck up in the side drain and the mud-guard touching the wall of the adjoining compound, goes to show that it was being driven at a tremendous speed. In any case, I consider that the evidence of Dw2 does not materially help the accused. Now coming to the evidence of Dws 1 and 3 who depose that the accused did not appear to be under drunk and smelling of anything when they found him at the curve near the Ganapathy temple, I cannot help observing at the outset that I was not in the least impressed with the version spoken to by them. While Dw1 further, states that the bus stopped opposite the house of the Prosecuting Inspector at the curve,

Dw3

12

DW3 avers that it stood opposite a prostitutes house and that the house of P.W1 is about one mile from the Kathiramana temple and about 700 metres from the place where the bus had stopped. Further, DW1 and 3 are interested in the accused and are men of no status. Their evidence could be purchased for a song. DW1 is the God-father of the accused's child and the surety for the accused in this case, while DW3 is a canvassing agent of the Indian Motor service of which the accused according to his own admission is the proprietor. I should, therefore, think that the evidence of DW1 and 3 is interested, unreliable and unworthy of credit.

5. P.W1 and 2 are highly reputable witnesses and they and P.W3 have apparently no motive to speak falsely against the accused. The defence has failed to suggest why the prosecution witnesses should not be believed. I was quite satisfied with the straight forward way in which the three witnesses for the prosecution gave their evidence and I believe them. It is in the evidence tendered on behalf of the prosecution that the accused was found driving the bus along the Ganapathy temple road at a furious speed and that the bus was moving in a zig-zag fashion without keeping to any one side of the road. It is also in evidence that

that the bus was found stranded at the curve near the Sanjathy temple with the front left wheel stuck up in the side drain and that the accused was found drunk, smelling of liquor and giving very unsteady and incoherent replies. The evidence shows further that the accused was seen crying, laughing and talking at random and that he was not able to walk properly. I hold, in these circumstances, that it is proved beyond any reasonable doubt that the accused drove the motor bus in question when he was intoxicated. I, therefore, find the accused guilty and convict him of the offence under Sec. 16 of the Indian Motor Vehicles Act, 1914 for contravening the provisions of rule 24 A of the Madras Motor Vehicles Rules, 1923. The offence of which the accused is convicted, is serious and his conduct in driving the bus through the heart of the town of Mangalore while he was drunk and intoxicated, is most reprehensible. I am, therefore, of opinion that the circumstances of this case call for a rather severe punishment. I sentence the accused to pay a fine of Rs 60/- (Sixty only) and in default to undergo simple imprisonment for two months. I further direct under Sec: 18 (2) of the Indian Motor Vehicles Act that the driving license of the accused be suspended for a period of six months from this date.

15 — 8 — 30

Sd/ K. Ramayya
Asst. Sessions Judge

Note:— The conviction and sentence of suspension of the license have been duly noted in the driving license & the M.D.L. 30 of the accused

15 — 8 — 30

Sd/ K Ramayya.
Asst. Sessions Judge

Appendix

Witnesses examined on behalf of

The Prosecution.

1. Mr. K. Sanjiva Rao. Prog. Inspector of Police.
2. Mr. A. Sunder Rao. Tahsildar
3. Gopal Nair, P.C. No. 58.

Exhibits

A. 5. 7. 30 Report of Prosecution Town Police Vizag.

Marginal Notes

Nil.

Sd/ K Ramayya
Asst. Sessions Judge

True Copy

Asst. Sessions Judge

Cr. P. No. 95 13,164—26-7-29. Register of summary trials held before the I class Bench

(*Section* 263, *Code of*

Serial number.	Date of the commission of the offence.	Date of the report or complaint.	Name of the complainant.	Name, parentage and residence of the accused person.	Offence. Complained of.	Offence. Proved, if any.
309.	20.2.31.	17.3.31	King Emperor Town P.C. 8/31.	Manuel D'Souza. 40 years. Driver- 7 Seater S.K. 666, Mangalore.	Driving car rashly and negligently and failure to report the incident to the authorities — Secs. 5 and 16 read with rule 27(c)	18.3.31

(Sd) S. Amrutha Rao, (Sd) T. Narsappa

(Sd) T. Narsappa, (Sd) K. Koragappa, (Sd)

Magistrate of Mangalore

Criminal Procedure)

Value of property in respect of which offence committed	Prisoner's plea.	Finding [illegible]	[illegible]
	Admits.	Convicted and fined Rupees Fifty in default to undergo two months simple imprisonment Fine paid	

(Sd) John J. Fernandes.
8.3.31.

(Sd) A. Rama Rao, (Sd) S. Chettur,
Sheriff Ali Abdul Ali Sahib Bahadur,

M Ramaiya
For President
JRB
24.8.31.

Law (Gen.) Dept.

Mota Vehicles. Driving licences — Cancellation and permanent disqualification

---

p 1 cf (Cr. 3647/31) From the Dy. S. Kanara no. Cr. C. 1 - 6579-31 d. the 31-7-31.

p 4 cf (" 4013 A) —— do - —— do - d. 9.9.31

D.

The Dy. S. Kanara recommends (on the driving licence) the cancellation and permanent disqualification of driver Manuel D'Souza for the reasons given in his letter at pages 1-2 cf. From para. 2 of the letter it would appear that the driver is a habitual drunkard. His first offence for which he was fined Rs 50 occurred on 23.6.30 and the second offence was committed some after, that is, on 5.7.30. He seems to be a confirmed drunkard. The driver has been found drunk in charge of a car four times within a short period. He has been convicted three times recently for rash &

p 1 cf

p 5 cf

p 6 cf

Cr. 17.9 cm 17/9

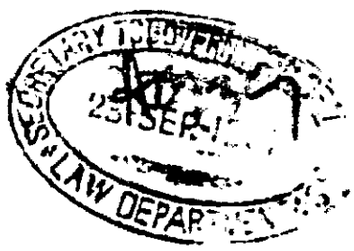
17

negligent driving. Previous convictions seem to have no effect on him. He is a danger to the public and unfit to be in charge of a motor vehicle. It is submitted that his licence may be cancelled & that he may be permanently disqualified

AG 21/9

I agree mh. 22/9/31

C1



Draft Sub. for approval

CR. 23.9 cw 23/9.

AG 24/9

Sectt. 11-5 (a)

Law (Gen.) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..	26/9	
When examined ..	26/9/31	
When signed ..		
When despatched ..		

Motor Vehicles

Driving licence - Manuel D'Souza - S. Kanara D. — permanently disqualified for obtaining licence

33/259

READ AGAIN G.O. No. ....., dated 19

" " " " ..... " 19

READ ALSO :—

C. No. 3647A From the D.M.S. Kanara Ref. No. C 1619, dated 31.7. 1931.

" " 4213A " " do — " do " 9.9. 1931.

" " ..... " " ..... " ..... " ..... 19 .

ORDER.

No.

No. 3687, dated 25-9. 1931.

The following notice will be published in the Fort St. George Gazette:

Notification

Under Sub-section (1) of Sec. 18 of the Ind. Motor Vehicles Act, 1914, the Govt. hereby cancel the driving licence of the person described below and declare that he shall be disqualified permanently for obtaining a driving licence under the said Act

Name — Manuel D'Souza.

Father's name - Lawrence D'Souza.

Distinguishing marks / identification — 35 years old + Height-5' 7"
Dark brown hair, whiskers curled up at the ends. Small beady eyes, can dress in Western fashion

Caste — Roman Catholic Christian

Permanent residence - Village Kadri in Mangalore.
Kankanadi

To The S.M. Kankanadi
requesting to ~~the driving licence~~ forward the driving licence
~~to Govt. for cancellation~~.

The S.M. Kankanadi ✓
All other SMs ✓
Dy of Police, Mangalore
Chief of Police, Mangalore

Note: A similar letter to all other SMs

C.F. 30.

LAW (GENERAL) **DEPARTMENT.** L.9. 5336A/28-11-31

Received ..... 19 *Registered* 19

Subject.

Motor Vehicles- Driving license- Manuel D'Souza- Permanently disqualified for obtaining a license.

Government order No.3637, dated 25-9-31.

****

ENCLOSURES.
No. .....
.....
Spare copies .....

D.Dis No. 6519/31.

Station Camp Karkal, *Dated the* 24th November 1931

From (Name) Khan Bahadur J.Hussain, Bar-at-law,
(Designation) Dt.Magistrate of South Kanara.

To The Secretary to the Government of Madras,
Law (General) Department,
Madras.

Sir,

The District Superintendent of Police who was requested to send the driving license reports that it could not be recovered from the individual as he has gone to Bombay and that his address there is not known to any one.

A Krishnamurti 26/11/31
For Dt.Magistrate.

26.11.31.
Law (Genl) Dept

May be lodged and Stitched with
(Y) Go 3637 d. 25.9.31.
28.11
28/11
28/11

Government of Madras

Received.....1931. Registered.....1931.

Abstract

Motor Vehicles - Driving licence - Manuel D'Souza - South Kanara District - permanently disqualified for obtaining a licence.

Law (General) Department
G.O.No.MS.3637, dated 25th September 1931.

Read the following:-

From the District Magistrate, South Kanara Ref.No.C.1.6519, dated 31st July 1931.
From the District Magistrate, South Kanara No.C1.6519 dated 9-9-1931.

Order

The following notification will be published in the Fort St. George Gazette:-

Notification.

Under sub-section (1) of section 18 of the Indian Motor Vehicles Act, 1914, the Government hereby cancel the driving licence of the person described below and declare that he shall be disqualified permanently for obtaining a driving licence under the said Act.-

Name ...	Manuel D'Souza.
Father's name.	Lawrence D'Souza
Distinguishing marks of identification	35 years old. Height 5'-7" Dark brown mustache curled up at the ends. Small beady eyes and dresses in Hindu fashion.
Caste ...	Roman Catholic Christian.
Permanent residence.	Village Kadri in Mangalore, South Kanara District.

(By Order of the Governor-in-Council)

A.F.W. Dixon,
Deputy Secretary to Govt.

To the District Magistrate, South Kanara.
To all other District Magistrates.
To the Inspector-General of Police, Madras.
To the Commissioner of Police, Madras.
Copy to all other Local Governments and administrations (with C.L.

Forwarded

(By Order)

S.G. 26/9

Superintendent.